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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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|---|---|-----------------------------|
| Thomas Bjordahl, |) | No. CV-08-01240-PHX-LOA |
| |) | |
| Plaintiff, |) | NOTICE OF ASSIGNMENT |
| |) | AND ORDER |
| vs. |) | |
| |) | |
| Bank of America, N.A., a national banking |) | |
| association, |) | |
| |) | |
| Defendant. |) | |

Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S. Magistrate Judge.

As a result of the aforesaid Local Rule, if all parties consent in writing, the case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party chooses the district judge option, the case will be randomly reassigned to a U.S. district judge. To either consent to the assigned magistrate judge or to elect to have the case heard before a district judge, the appropriate section of the form, entitled Consent To Exercise Of Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.

¹The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page,

1 The party filing the case or removing it to this Court is responsible for serving all parties
2 with the consent forms. Each party must file a completed consent form and certificate of
3 service with the Clerk of the Court not later than 20 days after entry of appearance, and
4 must serve a copy by mail or hand delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction
6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*
7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that
8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A
9 party to a federal civil case has, subject to some exceptions, a constitutional right to
10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993)
11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
12 (9th Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant Bank of America,
14 N.A., filed a Notice of Removal on July 2, 2008.

15 Defendant shall have until **Wednesday, July 23, 2008**, within which to
16 make its selection to either consent to magistrate judge jurisdiction or elect to proceed
17 before a U. S. district judge. The Court's docket reflects the appropriate consent form
18 was electronically transmitted to all counsel on July 3, 2008 by the Clerk's office.

19 Accordingly,

20 **IT IS ORDERED** that the Defendant Bank of America, N.A., shall file on
21 or before **Wednesday, July 23, 2008** its written election to either consent to magistrate
22 judge jurisdiction or elect to proceed before a United States district judge.

23 **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed
24 before a magistrate judge or elect to proceed before a district judge by **Wednesday, July**
25 **23, 2008**.

26 _____
27 then click on "forms" on the left side of the page and then click on and print the appropriate
28 form.

